

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 18, 2003
SAN FRANCISCO, CALIFORNIA**

S119234

C034960 Third Appellate District

PEOPLE v. VO

Time extended to grant or deny review

to December 24, 2003.

S016719

PEOPLE v. YEOMAN (RALPH MICHAEL)

Order filed

Court's 150-day statement.

S118232IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 23, 2003, effective September 16, 2003, be amended nunc pro tunc to strike the names of:

Donna Martinson Vose**Sergio O. Orozco****Jonathan Scott Jespersen****Charles D. Stern****Catherine S. Langer.****S118401**

SHIM ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN H. SHIM, State Bar No. 150873**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 120 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. The period of actual suspension shall be consecutive to the actual suspension previously imposed in S112919 (02-O-10441). Respondent is also ordered to comply with the

conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118403

ARCHDEACON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JEREMY ARCHDEACON, State Bar No. 83167**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct., that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii). Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on

April 16, 2003, as modified on July 2, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-third of said costs shall be paid with membership fees for the years 2004, 2005 and 2006.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118405

CHACON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Juan Chacon, State Bar Number 141465**, be suspended from the practice of law in the State of California for two years; that execution of the two-year suspension be stayed; and that he be placed on probation for two years on the conditions of probation, which include seventy-five days' actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 26, 2003. Chacon is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit in Los Angeles within that same year. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S118407

CHAZIN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **Robert Louis Chazin, State Bar Number 91562**, be suspended from the practice of law in the State of California for one year; that execution of the one-year suspension be stayed; and that he be placed on probation for one year on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 27, 2003, including the condition that Chazin be actually suspended from the practice of law in this state during the first 60 days of his probation and until he makes restitution to Robert Lawrence, or the Client Security Fund if it has paid, in the amount of \$4,350 plus interest thereon at the rate of 10 percent simple interest per annum from March 6, 2002, until paid and provides satisfactory proof of that restitution to the State Bar's Probation Unit in Los Angeles. If the period of Chazin's actual suspension extends for two or more years, he shall remain on actual suspension until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Chazin is ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit within that same period of time. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, if the period of Chazin's actual suspension extends for 90 or more days, he is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in

accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118408

EMBREE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **Melvyn Charles Embree, State Bar Number 92622**, be suspended from the practice of law in the State of California for eighteen months, that execution of the eighteen-month suspension be stayed, and that he be actually suspended from the practice of law in this state for six months and until (1) he attends and satisfactorily completes the State Bar's Ethics School and provides satisfactory proof of his completion of that school to the State Bar's Probation Unit in Los Angeles and (2) he files and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State Bar, to terminate his actual suspension as recommended by the Hearing Department of the State Bar Court in its decision filed on June 13, 2003. If the State Bar Court grants a motion to terminate Embree's actual suspension, it is authorized to place him on probation for a specified period of time and to impose on him such conditions of probation that it deems necessary or appropriate in light of the misconduct found in this proceeding. Embree is ordered to comply with any such probation conditions imposed on him by the State Bar Court. If the period of Embree's actual suspension extends for two or more years, he shall remain on actual suspension until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Embree is also ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of his actual suspension

and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit within that same period of time. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, Embree is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S118566

POTRATZ ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DOUGLAS DEAN POTRATZ, State Bar No. 183742**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. **Douglas Dean Potratz** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 4, 2003, as modified by its order filed July 15, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S118569

KOLTER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Raymond Kirk Kolter, State Bar No. 152579**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Ila L. Kossack, aka Isla A. Butcher, (or the Client Security Fund, if appropriate) in the amount of \$782.17 plus 10 percent interest per annum from July 9, 1999, and furnishes satisfactory proof thereof to the State Bar's Probation Unit in Los Angeles; and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, all as recommended by the Hearing Department of the State Bar Court in its decision filed on June 20, 2003. The period of actual suspension shall run consecutive to the period of actual suspension imposed in case number S098898 (02-PM-11955). Kolter is also ordered to comply with the conditions of probation, if any, hereafter imposed by the State Bar Court as a condition for terminating his actual suspension. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S118571

O'KEEFE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Michael Edward O'Keefe, State Bar Number 51267**, be suspended from the practice of law in the State of California for two years, that execution of the two-year suspension be stayed, and that he be actually suspended from the practice of law in this state

for 90 days (1) and until he makes restitution to Robert Van Santen (or the Client Security Fund, if appropriate) in the amount of \$5,000 plus 10 percent interest per annum from October 31, 2001, and furnishes satisfactory proof thereof to the State Bar's Probation Unit in Los Angeles (2) and until he files and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State Bar, to terminate his actual suspension, all as recommended by the Hearing Department of the State Bar Court in its decision filed on June 23, 2003. If the State Bar Court grants a motion to terminate O'Keefe's actual suspension, it is authorized to place him on probation for a specified period of time and to impose on him such conditions of probation that it deems necessary or appropriate in light of the misconduct found in this proceeding. O'Keefe is ordered to comply with any such probation conditions imposed on him by the State Bar Court. If the period of O'Keefe's actual suspension extends for two or more years, he shall remain on actual suspension until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. O'Keefe is also ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit in Los Angeles within that same period of time. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118572

ALEXANDER ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JON MICHAEL ALEXANDER, State Bar No. 129207**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until he makes restitution to JoAnn M. Badalian (or the Client Security Fund, if appropriate) in the amount of \$4,500.00 plus 10% interest per annum from August 7, 2002, and furnishes satisfactory proof thereof to the State Bar's Probation Unit, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 28, 2003, as modified by its order filed June 30, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Jon Michael Alexander** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Jon Michael Alexander** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Jon Michael Alexander** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Jon Michael Alexander** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this

order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118574**ENGQUIST ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **RICHARD WILLIAM ENGQUIST, State Bar No. 65718**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, as recommended by the Hearing Department of the State Bar Court in its decision filed June 13, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118575

COMESS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RICHARD DAVID COMESS, State Bar No. 198665**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 7, 2003, as modified by its order filed July 1, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California.

Richard David Comess is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Richard David Comess** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Richard David Comess** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Richard David Comess** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S120275**CONNOLLY ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **KEVIN BRIAN CONNOLLY, State Bar No. 76107**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120277**NICHOLS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **STANLEY NICHOLS, State Bar No. 44310**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120278**WARD ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **STEPHEN RICHARD WARD, State Bar No. 100441**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter

seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120280

YASHARPOUR ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **SAMI YASHARPOUR, State Bar No. 137036**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)